

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 82-6

AN ORDINANCE OF THE CITY OF HOMER, ALASKA
REPEALING AND RE-ENACTING TITLE 4, ELECTIONS, OF
THE HOMER CITY CODE OF ORDINANCES.

WHEREAS, it is desirable to update the existing
municipal election code with current State and Federal
election laws, and

WHEREAS, the City of Homer now accommodates more than
one voting precinct antiquating various of the existing
election provisions, and

WHEREAS, it is desirable to provide for canvassing
provisions beyond the existing code requirements,

NOW THEREFORE BE IT ORDAINED that all sections of Title
4, Elections of the Homer City Code be repealed and
re-enacted as follows:

Section 1. Incorporation of State and Federal law. All
provisions of the constitution of the United States, the
constitution of the State of Alaska, and any laws enacted
pursuant to said constitutions affecting first class city
elections are incorporated in this chapter as if fully set
out herein. The provisions of the Alaska Statutes relating
to conduct of municipal elections are incorporated into this
chapter as if fully set out. Procedures for the conduct of
state elections shall also govern city elections to the
extent that they are applicable.

Section 2. City Clerk to Administer Elections. The City
Clerk in accordance with the provisions of this chapter is
the election supervisor for and shall administer all city
elections.

Section 3. Voter Qualifications. A person may vote only if
he is a United States citizen who is qualified to vote in
state elections and has been a resident of the city for
thirty days immediately preceding the election, who is
registered to vote in state elections; who is not dis-
qualified under Article V of the state constitution and has
registered before the election as required by AS 15.07 and
is not registered to vote in another jurisdiction.

Section 4. Sale of Intoxicating Beverages Permitted. The
sale of intoxicating beverages is lawful during elections
held within the city limits. The provision of AS 4.15.070
(A) (2) does not apply as authorized by AS 4.16.070 (b).

Section 5. Time of Election. Regular City elections shall
be held on the first Tuesday of October of each year.
Special elections may be held on any Tuesday during the year
and are called by resolution of the Council providing for a
at least twenty (20) days notice pursuant to Alaska
Statutes, Title 29.

Section 6. Notice of Election. (a) The City Clerk shall
post the notice of each regular and special election in
three public places and publish at least twice in one or

more newspapers of general circulation in the city. For regular elections the first such publication will be accomplished at least thirty days prior to the election. For special elections the first such publication will be accomplished at least twenty days prior to the election. The last notice is to be accomplished within the week prior to the election.

(b) Each notice shall include:

- (1) The type of election, regular or special;
- (2) The date of the election;
- (3) The hours the polls will be open and the location of the polling place
- (4) The offices to which candidates are to be elected;
- (5) The subjects of propositions to be voted upon;
- (6) Voter qualifications and instructions for registration including the final date for registration before this election;
- (7) Instructions for application for absentee voting; and
- (8) A reference to polling places with a description of the voting precincts.

Section 7. Declaration of Candidacy. (a) Time - A candidate for election must file a declaration of candidacy in the office of the City Clerk no sooner than 90 days preceding the election and no later than thirty-five (35) days immediately preceding the election.

(b) Notice - At least ninety days preceding the regular election, the City Clerk shall publish a notice announcing that candidacy declarations are available, naming offices and the terms that are open on the next regular election day. The notice shall include: 1) candidate qualifications, 2) time for filing declarations, and 3) where to file declarations.

(c) Declaration - The City Clerk shall provide a form for declaration purposes which will include candidate's name, residence address, mailing address and telephone number. A statement of city residence, voter qualifications and the name of the office and the date of the election to which he declares himself a candidate; the term of office; and a statement of acceptance of the office if elected and an acknowledgement of compliance with the State of Alaska Campaign Disclosure law. The declaration will be signed and dated by the candidate and sealed by a notary. The candidate's name shall be printed as specified on the declaration for candidacy (See Ballot Form in this title for prohibitions).

(d) Declaration - Withdrawal - Any candidate may withdraw his nomination at any time during the period for filing declarations by appropriate written notice to the City Clerk. However, after the last filing date for candidacy declarations has closed, no declaration may be amended or withdrawn.

Section 8. Precincts and Polling Places. (a) The precincts established by the State of Alaska, Director of Elections and set forth in the Alaska Administrative Code shall be the precincts for all city elections. The clerk

shall secure a polling place within each precinct, if possible, for all city elections.

(b) No later than twenty days before each regular and special election, the Clerk shall publish in one or more newspapers of general circulation in the city the locations of the precinct polling places. Such publication shall be repeated within the week prior to the election. This publication is in addition to the notice of election.

Section 9. Election Officials. (a) The City Clerk is the election supervisor and shall appoint three judges in each precinct constituting the election board. Election judge appointments are subject to confirmation by the City Council. One judge shall be designated chairman and shall be primarily responsible for administering the election in that precinct. The City Clerk may appoint clerks and counters for any precinct where they are needed to conduct an orderly election and to relieve the election judges of undue hardship.

(b) Each election official serving at a precinct polling place must be a qualified voter, resident within the precinct for which he is appointed. Exception: In an emergency, a qualified city voter of another precinct may be appointed.

(c) If any appointed election official is not able or refuses to serve on election day, the Clerk shall appoint a replacement for that official.

(d) All judges, clerks and counters before entering upon their duties, must subscribe to the oath required of all public officers by the constitution of the State of Alaska in the manner prescribed by the City Clerk.

(e) Any judge may administer to a voter any oath that is necessary in the administration of the election.

Section 10. Ballots - Form. (a) Ballots shall be prepared in the manner prescribed for state elections, insofar as such requirements are applicable to non-partisan elections.

(b) The ballots shall be of plain white paper. The ballots shall be numbered in series, the number being placed in an area set off by perforations for ease of removal and on a portion of the ballot that can be seen when the manner in which the ballot is marked is concealed for view. At the top of the ballot, so as to be clearly visible when folded, shall be printed the words: "Official Ballot of The City of Homer, Alaska", the date of the election and whether a regular or special election.

(c) All candidates for the same office shall be shown on one ballot. The title of each office to be filled shall be followed by the printed names of all candidates for that office and the provision shall be made for write-ins equal in number to the positions to be filled, except there shall be no provision made for write-ins on a runoff election ballot. The names of candidates shall be printed as they appear upon the petitions except that any honorary or assumed title or prefix shall be omitted, but may include in the candidate's name any nickname or familiar form of a proper name of the candidate. The words "Vote for not more

than _____" with the appropriate number replacing the blank, shall be placed before the lists of candidates for each office. Ballots shall be numbered consecutively and candidate names rotated as prescribed in the Alaska Statutes covering elections.

(d) Following the offices and candidates, there shall be placed on the ballot or on separate ballots as the Clerk may determine, all propositions or questions to be voted on. The words "YES" and "NO" shall be placed below the statement of each proposition or question. The Clerk shall determine the number of ballots to be used to present all offices, propositions and questions to the qualified voter.

(e) The Clerk shall have printed and available at each polling place on election day and in the Clerk's office preceding the election, the sample ballots on tinted paper for each election. Instructions to voters may be printed on the back of the sample ballot.

(f) If the election board receives an insufficient number of official paper ballots, it shall provide and the voters may use substitute. The election board shall certify the facts which prevented the use of the official ballots and materials and shall include the certificate in the election returns.

Section 11. Ballots - Distribution. (a) The Clerk shall have the official ballots in his possession at least fifteen days (minimum requirement) before each regular election or seven days before each special election. At that time, the ballots may be inspected by any candidate whose name is on the ballot, or his authorized agent, and any mistake discovered shall be corrected immediately. Sufficient ballots for each precinct shall be delivered to the election board for that precinct.

(b) The ballots shall be delivered in a separate sealed package, with the number of ballots enclosed clearly marked on the outside of the package. A receipt shall be signed by the election board member to whom each package is delivered; said receipt to be preserved with other records of election.

Section 12. Election Supplies and Equipment: (a) Before the opening of the polls, the Clerk shall furnish to the election board of each precinct the state voter registration list for that precinct and shall equip and supply each polling place with sufficient materials for that precinct's election, including those materials required by this section.

(b) The Clerk shall prepare instructions explaining to voters how to obtain ballots, how to mark them, how to obtain information from election officials and how to obtain new ballots to replace those destroyed or spoiled. These instructions shall be printed in large, clear type and shall be distributed to the election boards to be prominently displayed in each polling place. The Clerk shall provide booths at each polling place with appropriate supplies and conveniences to enable each voter to mark his ballot screened from observation. Ballot boxes shall be placed outside the voting booths in plain view of the election officials, voters and other persons at the polling place.

The polling place will be marked by display of the American Flag on election day.

Section 13. Absentee Voting. (a) Eligibility. At any election a qualified voter may vote an absentee ballot for the precinct in which he resides and is registered, 1) if he believes that he will be unavoidably absent from his voting precinct on election day, 2) if he will be unable to be present at the polls because of physical disability.

(b) Application for Ballot.

(1) By Mail. A qualified voter may apply for an absentee ballot by mail if postmarked not more than three months before an election or less than the Friday preceding the election. The application shall include the address to which the absentee ballot shall be sent and the applicant's full Alaska residence address and signature.

(2) In Person. A qualified voter may apply for an absentee ballot in person on any day after the ballots are prepared and available, but not on election day.

(3) By Personal Representative. A qualified voter may apply for an absentee ballot through a personal representative on the day of, or not more than fifteen days before the date of a regular election. The written application shall contain the statement that he is a qualified voter of the City of Homer and his full Alaska residence address. The written application must also be signed by the applicant and be accompanied by a letter from a licensed physician or a statement signed by two qualified voters stating that the applicant will be unable to go to the polling place because of physical disability.

(c) Absentee Voter at Polls. Should an absentee voter present himself to vote on election day, he must present his absentee ballot to the judges before receiving a ballot. He shall vote a challenged ballot if his absentee ballot is not presented. The judge or judges of election shall return the unused absentee voter's ballot with other voting materials of the precinct.

(d) Materials for Absentee Voting. There shall be a small blank envelope and a return envelope supplied to each absentee voter. The return envelope shall have printed upon it an affidavit of voter qualification; with provision for attesting by a witnessing officer, or two witnesses, both of whom are at least eighteen years of age. The following notice shall appear on the return envelope: "NOTICE: Ballot Enclosed - To be Opened By the Canvassing Board".

(e) Issuance of Ballot by Mail or in Person. Before delivering any ballot, the Clerk shall verify the applicant's right to vote and may require the applicant to comply with the challenged ballot procedure. Upon issuing an absentee ballot, the Clerk shall remove the numbered stub and attach it to the application noting the date of delivery or mailing. The Clerk shall have available for public inspection the names and addresses of persons who voted absentee.

(f) Casting Absentee Ballot. Upon receipt of an absentee ballot through a personal representative or by mail, the

voter whether in or outside the state, in the presence of two attesting witnesses, both of whom are at least eighteen years of age, or before an election judge, notary public, commissioned district judge or magistrate, United States postmaster, or other person qualified to administer oaths, may proceed to mark the ballot in secret, to place the ballot in the small blank envelope, to place the small envelope in the larger envelope and to sign the voter's certificate on the back of the larger envelope in the presence of the above-listed officials or designated persons who shall sign as attesting witnesses. The voter may then return the properly enclosed ballot by personal representative or postmarked not later than the day of the election, to the Clerk for delivery to the canvass board.

Upon receipt of an absentee ballot in person, the voter shall proceed to mark the ballot in secret, to place the ballot in the small blank envelope, to place the small envelope in the larger envelope and to sign the voter's certificate on the back of the larger envelope in the presence of the clerk or a designated election official who shall sign as attesting witness and retain it for delivery to the canvass board.

Section 14. Voting Procedure at the Polls. (a) Before issuing any ballots, the election board must, in the presence of any persons assembled at the polling place, open and exhibit the ballot box to be used at the polling place. The ballot box then shall be closed and locked and shall not be opened again or removed from the polling place until the polls have closed.

(b) (1) Before being allowed to vote, each voter shall exhibit to an election judge one form of identification; including but not limited to an official voter registration card, driver's license, birth certificate, passport, or hunting or fishing license, (2) an election judge may waive the identification requirement if he knows the identity of the voter, (3) a voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot.

(c) The judges shall keep a register or registers in which each voter, before receiving his ballot, shall sign his name and give both his residence and mailing address. A record shall be kept in the registration book in space provided of the name of persons who offer to vote but who actually do not vote, and a brief statement of explanation. The signing of the register constitutes a declaration by the voter that he is qualified to vote. If any election official present believes the voter is not qualified, he shall immediately question the voter according to the procedure outlined in paragraph (1) of this section. If a voter's polling place is in question, a voter shall be allowed to vote, and any election official shall consider the ballot as a questioned ballot.

(d) When the voter is qualified to vote, the election judge shall give him an official ballot.

(e) Each voter shall retire alone to a booth or private area to mark his ballot. If a voter is blind or otherwise physically unable to mark his ballot alone, he may request assistance and it may be permitted pursuant to Alaska Statute 15.15.240. Immediately after marking the ballot,

the voter shall return it to the election judge, having concealed the manner in which it is marked. The election official shall remove the numbered tab in a manner that protects the secrecy of the ballot. In all cases the ballot shall be deposited in the ballot box by the voter himself, in the presence of the election judge unless the voter requests the judge to deposit the ballot on his behalf. Separate ballot boxes may be used for separate ballots.

(f) If a voter improperly marks or otherwise damages a ballot, he shall return it to the election officials, concealing the manner in which it is marked, and shall request a new ballot. The election officials shall record and retain the ballot number and destroy the spoiled ballot. A new ballot shall be issued to the voter. A voter may request replacement of a spoiled ballot no more than three times.

(g) Prohibiting the count of exhibited ballots. No election official may allow a ballot to be placed in the ballot box which he knows to have been unlawfully exhibited by the voter. A ballot unlawfully exhibited shall be recorded and treated as a spoiled ballot.

(h) Fifteen minutes before closing the polls, the time remaining before such closure shall be proclaimed. When the polls are closed for the purposes of voting, that fact shall likewise be proclaimed and thereafter no ballot shall be issued except to those voters who were present and waiting their turn to go through the voting procedure at the time prescribed for closing the polls.

(i) Questioned Ballot Procedure. (1) Every election judge and election clerk shall question, and every watcher and other person qualified to vote in the precinct may question a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote. All questions regarding the person's qualifications to vote shall be made in writing, setting forth the reason for the challenge. A questioned person before voting shall subscribe to an oath and affidavit provided by the Clerk attesting to the fact that in each particular case the person meets all the qualifications of a voter, that he is not disqualified, and that he has not voted previously at the same election. He shall also state the place from which he came immediately before living in the precinct in which he now offers to vote and the length of time of his residence in the former place. After the questioned person has taken the oath and signed the affidavit, the person may vote. If the questioned person refuses to take the oath or sign the affidavit, the person may not vote.

(2) A questioned voter shall vote his ballot in the same manner as prescribed for other voters. After the election judge removes the numbered tab from the ballot the questioned voter shall insert the ballot into a small blank envelope, seal it, and put the envelope into a larger envelope on which the oath and affidavit previously signed are contained. This envelope shall be sealed and deposited in the ballot box. When the ballot box is opened these envelopes shall be segregated for delivery to the Clerk along with registration books, certification of election, etc.

Section 15. Use of Mechanical or Electronic Voting Equipment. Procedures for designing, marking and counting ballots may be altered to specifically accommodate use of mechanical or electronic voting equipment providing the procedures and equipment are those utilized by the election supervisor in State elections.

Section 16. Unused Ballots. Prior to the opening of the ballot box, the numbers of all ballots not issued shall be recorded and then all such ballots shall be destroyed.

Section 17. Polls Closing and Ballot Accounting. (a) The opening of the ballot box and the counting of ballots shall be accomplished in full view of any persons present. The public may not be excluded from the area in which ballots are counted. The election board may utilize another area of the polling place for counting other than the actual room in which the ballots were cast; providing the City Clerk has authorized this procedure. The chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties. No one other than appointed election officials may handle the ballots.

(b) Immediately after the closing of the polls and the disposition of unused ballots pursuant to Section 16 of the ordinance, the ballot counting process shall begin. The board chairman shall organize the judges and/or counters. The election board shall first reconcile the ballots used with ballots received and the total voters shown in the voter register, taking into account any ballots spoiled and any voters who may have registered but not voted.

(c) The election board shall then open the ballot box or boxes and proceed as follows:

- (1) Count the ballots and count the numbered tabs (questioned ballots are included).
- (2) If the numbers agree with the voter registration total or adjusted voter registration total the Board proceeds to tally the votes.
- (3) Discrepancies - A written report, signed by all three judges, shall be provided with the precinct election materials and ballots for all unresolved discrepancies in accounting for ballots.

Section 18. Tally of Votes. (a) The Clerk shall issue instructions and shall provide forms and supplies for the tally of votes cast so as to assure accuracy and to expedite the process. The election board shall count the votes according to the rules for determining marks on ballots prescribed in Alaska Statutes, Title 15. The election board shall count the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for delivery to the Clerk, may remove a ballot from the immediate vicinity of the counting area or have a marking device in hand.

(b) As soon as all the votes are read off and counted, the precinct certificate shall be completed on the form provided

by the Clerk. The certificate(s) shall be signed by the election board members.

(c) If the results of the above certified statement shows two or more candidates tied in having the highest number of votes for the same office for which there is to be elected only one candidate, the election board shall immediately proceed with a recount of the votes for that office. The recount tallies shall be prepared and certified as provided for the first count.

(d) The certificate or certificates, with the registration list, tallies or tally papers, oath of judges and oaths of voters, voted ballots, questioned ballots, and other papers, shall be sealed in an envelope by the judges and endorsed "Election Returns", and shall be delivered to the City Clerk.

(e) Election Materials to Clerk. Two precinct judges shall together deliver the precinct election materials and papers to the City Clerk or designee immediately following completion of precinct counting.

Section 19. Canvass Board. (a) The Clerk shall, subject to confirmation of the City Council, appoint a canvass board of as many members as required to accomplish the canvass in reasonable time. The canvass board will review the certificates of election and all official documents of the precinct election boards.

(b) Not later than the Monday following each election, the canvass board shall meet in public session and canvass all election returns. The canvass board may be recessed from day to day, but not more than three such recesses. In full view of those present, the election canvass board shall judge the applicability of absentee and questioned ballots, shall open and tally those accepted, and shall compile the total votes cast in the election. The canvass of the ballots counted by the precinct election boards shall be accomplished by reviewing the tallies of the recorded vote to check for mathematical error by comparing totals with the precinct's certificate of results. All obvious errors found by the election canvass in the transfer of totals from the precinct tally sheets to the precinct certificate of results shall be corrected by the canvass board. A mistake which has been made in precinct returns that is not clearly an error in the transfer of the results from the tallies to the certificate of results, empowers the canvassing board to recommend a recount of the results of the precinct or precincts for that portion of the returns in question.

(c) To be counted in the election, an absentee ballot must be postmarked by midnight of election day and received by the Clerk before the canvass. Ballot envelopes received after that time shall not be opened, but shall be marked "invalid" with the date and hour of receipt noted thereon, and shall be retained with other ballots of the election.

(d) Questioned and absentee ballots shall be counted as follows: No ballot shall be counted if the voter has failed to properly execute the certificate, if the witness or the officer or other person authorized by law to administer the oath fails to affix his signature, or if the voter fails to enclose his marked ballot inside the small envelope

provided. The Clerk or a member of the election canvass board may challenge the name of an absentee voter if he has good reason to suspect that the voter is not qualified to vote, is disqualified, or has already voted at the same election. The person making the questioned ballot shall specify the basis of the challenge for the record. The canvassing board, by majority vote, may refuse to accept the challenge and count the ballot of a person properly challenged. If the ballot is refused, the Clerk shall notify the challenged voter by letter within four weeks of the canvass. All rejected ballots shall be enclosed in a separate envelope and shall be labeled "rejected ballots" retained with other materials of the election. If the ballot is not rejected, the large envelope shall be opened, the small inner envelope shall be placed in a container and mixed with other blank absentee ballot envelopes, or in the case of counting questioned ballots, with other blank questioned ballot envelopes, the mixed small blank envelopes shall be drawn from the container, opened, and the ballots counted according to the rules of determining properly marked ballots.

(e) If a tie vote exists, only one of the candidates so tied may hold office under the laws establishing the office voted for, the tie shall be broken by a single coin toss conducted by the City Council at a regular or special meeting. The first candidate to have filed a nominating petition shall call the coin during the toss. A tied candidate may designate a representative to participate in the coin toss in his absence. The designation shall be made in such a manner that the Clerk is assured of its authenticity.

(f) The Council shall certify the results of the election at the next regular or special City Council meeting following completion of the canvass by the Canvassing Board.

Section 20. Run-Off Election. (a) If no candidate for the office of Councilman receives in excess of 40 percent of the votes cast for his respective office a run-off election shall be held on the third Tuesday following the regular election or within two weeks after certification of the results of the election. When more than one council seat for the same term is to be filled, total votes cast for a respective office shall be determined by dividing the total number of votes cast for all candidates by the number of vacancies for the positions.

(b) In the event a run-off is required, the number of candidates receiving the highest votes to provide two candidates for each vacancy shall be included in the list of candidates for the run-off election.

(c) If no candidate for the office of Mayor receives 40 percent of the votes cast for that office, a run-off election between the two candidates receiving the highest number of votes will be held.

Section 21. Oath of Office. Oaths of office shall be administered for city offices including Councilmen and Mayor, which shall affirm in writing that they will honestly, faithfully and impartially perform their duties. These oaths will be kept on file at City Hall by the City Clerk.

Section 22. Destruction of Election Materials. All ballots and tabs may be destroyed 30 days after the certification of the results of the election unless an application for a recount has been filed and the recount not completed, or the election has been contested and the results of the contest have not been certified.

Certificates of election, voter registers, and tallies shall be retained for a period of four years after the election.

Section 23. Contest of Election. (a) Any candidate or ten qualified voters who were qualified to vote on the election day may contest the election of any person or approval or rejection of any question or proposition. Contest of election shall be one or more of the following grounds:

- (1) Malconduct, fraud, or corruption by an election official sufficient to change the results of the election,
- (2) The person elected is not qualified under the law or the Homer City Code,
- (3) Existence of a corrupt election practice as defined by the laws of the State of Alaska.

(b) The candidate or voters initiating a contest shall appear before the governing body at the meeting held to certify the election returns and shall deliver a written notice of contest, or such written notice shall be filed with the clerk no later than three full working days following certification of the election by the City Council. The notice of contest shall specify the election being contested, shall state the grounds of the contest in detail and shall bear the notarized signature of the candidate or the qualified voters bringing the contest.

(c) Upon receiving a valid notice of contest, the City Council shall order such investigative action as it deems appropriate. If the contest involves voter eligibility, the Clerk and the City Attorney shall be ordered to investigate the allegations and report their findings to the city council. If other illegal or irregular election practices are alleged to have occurred, the City Council shall order an investigation to be made by the City Manager with the assistance of the clerk and the attorney. If the Clerk and Manager are both named in the contest, the Council shall appoint an investigating board to conduct the required investigation. Those contesting the election, those whose election is contested and the public shall be allowed to attend all investigation proceedings.

(d) After considering the reports of the investigating officials and any other evidence presented, the City Council shall determine whether the grounds for contest were valid and whether any illegally cast votes could have affected the election results. If they could not have, the City Council may so declare and uphold their previous action in declaring the election validly held.

(e) Unless the grounds for which the contest was brought are determined to be valid, the candidate or contestants shall be individually liable for the whole amount of the

expenses incurred by the city in its investigation and deliberation of the election contest. Any person contesting an election as provided herein shall post a cash bond in the amount of seven hundred fifty dollars guaranteeing payment of the cost of contest as surety for such costs. If the contest is shown to be valid, this bond shall be refunded in full.

Section 24. Expenses - City to Pay - Exception. The city shall pay all necessary election expenses including those of securing places of polls and providing ballot boxes, ballots, voting booths, screens, and other supplies and any wages due election officials. However, all expenses of making recount pursuant to an election contest shall be paid by the candidate or voters contesting the election, unless the results of the election are changed by the recount. If the recount is obtained by voters, each of them shall be individually or collectively responsible for the whole amount of such expense. The City shall pay each election board member the hourly rate for similar election officials for state elections for the time spent at their election duties, including the receiving of instruction.

Section 25. Judicial Review. A qualified voter of the City of Homer may seek judicial review in the Superior Court of the State of Alaska of a city election only after he has exhausted his administrative remedies as prescribed by Homer City Code. Such legal action shall be upon the grounds set forth in AS 15.20.540 for contesting state elections. The judge shall render a decision as required by AS 15.20.560 for state elections. If no such action is commenced within the 10 day period immediately following the declaration of the Council's determination of the contested election, the election results shall be conclusive, final and valid in all respects.

Section 26. Certain Election Practices Prohibited. The provisions of AS 15.55 are adopted and those acts made unlawful in that chapter are hereby made unlawful acts within the scope of this chapter. The listing of prohibited practices elsewhere in this chapter shall be deemed supplementary to the state law and the actions hereafter made unlawful even though not specifically mentioned in state law.

Section 27. Definitions. In this chapter, unless the context requires otherwise:

- (a) The masculine includes the feminine.
- (b) "Clerk" means the City Clerk or any properly authorized assistant or designee.
- (c) "Days" include weekends and holidays.
- (d) "Election" includes any regular or special election for the City of Homer.
- (e) "Publication" means a newspaper of general circulation and/or posting in public places.
- (f) "Election officials" means the City Clerk or his


designee, election judges and election clerks and canvassing boards.

- (g) "Oath" includes affirmation.
- (h) "Precinct" means the territory established by the Lieutenant Governor within which resident voters may cast ballots at one polling place.
- (i) "Proposition" includes questions, initiatives, and referendums.
- (j) "Qualified voter" - See Section 3 of this ordinance.
- (k) "Regular election" means a general election to fill city offices as required by AS 29.28.015.
- (l) "Special election" means any election held at a time other than when a regular election is held.
- (m) "Swear" includes affirm.
- (n) "Voter" means any person who presents himself for the purpose of voting, either in person or by absentee ballot.
- (o) "Counting time" means weekend days and holidays are counted. When deadlines occur on Saturday, Sunday or a holiday, the deadline is automatically extended to the next Monday or the next normal working day, whichever is applicable. Time computation shall be as provided in the General Provisions of the Homer City Code.
- (p) "Canvass" includes, but is not limited to (1) the counting of absentee and questioned ballots, and (2) examination of precinct election materials and certificates of election officials.

Section 28. Effective Date. All provisions of this ordinance shall be in full force and effect from the date this ordinance is adopted.

DATED AT HOMER, ALASKA, THIS 25th DAY OF MAY, 1982.

CITY OF HOMER


Leo Rhode, Mayor

ATTEST:


Kathleen F. Herold, City Clerk

First Reading: May 10, 1982

Public Hearing: May 24, 1982

Second Reading: May 24, 1982

Effective Date: May 25, 1982

Adopted: Unanimous Roll Call Vote, All Present.